

Remarks

Claims 1-4, 6-21, 23-29, 42-43, and 47-49 are pending in the application. All claims are rejected for indefiniteness, but are deemed otherwise allowable over the prior art of record. Claims 50 and 51 have been canceled. Applicants thank the Examiner for pointing out the term “does not comprise”.

Independent claims 1, 47 and 48 are rejected as indefinite for the term “does not comprise” and for the term “or a pharmaceutically acceptable cation”. Claims 1, 47 and 48 have been amended to replace “does not comprise” with “is not”. Claims 1, 47 and 48 have also been amended to remove the term “or a pharmaceutically acceptable cation” and to end these claims with “or a pharmaceutically acceptable salt thereof”. Although this latter term does not appear in exact language in the specification, it is implicit in the previous term “or a pharmaceutically acceptable cation”. Moreover, this term is found, undefined, in hundreds of issued patents because those skilled in the art understand what this term means. It is not important to the claimed invention what the pharmaceutically acceptable salt is. Accordingly, Applicants respectfully submit that claims 1, 47 and 48 are definite and request that this rejection be withdrawn.

Independent claim 18 is rejected as indefinite for the term “does not comprise”. Claim 18 has been amended to replace this term with “is not”. Accordingly, Applicants respectfully submit that claims 18 is definite and request that this rejection be withdrawn.

Independent claims 30, 42 and 43 are rejected as indefinite for the term “or a pharmaceutically acceptable cation. Claims 30, 42 and 43 have been amended to remove the term “or a pharmaceutically acceptable cation” and to end these claims with “or a pharmaceutically acceptable salt thereof”. Although this latter term does not appear in exact language in the specification, it is implicit in the previous term “or a pharmaceutically acceptable cation”. Moreover, this term is found, undefined, in hundreds of issued patents because those skilled in the art understand what this term means. It is not important to the claimed invention

U.S.S.N. 09/817,374
Delorme et al.
MET-020US1 (1002/021)
Page 18

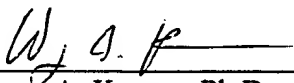
what the pharmaceutically acceptable salt is. Accordingly, Applicants respectfully submit that claims 30, 42 and 43 are definite and request that this rejection be withdrawn.

Applicants have not filed a notice of appeal pending the response to this communication, but will do so in timely fashion if necessary.

If the Examiner believes that any discussion of this communication would be helpful, the Examiner is invited to contact the undersigned attorney by telephone.

Dated: 5/24/04

Respectfully submitted,



Wayne A. Keown, Ph.D.
Registration No. 33,923
Attorney for Applicants

Keown & Associates
500 West Cummings Park
Suite 1200
Woburn, MA 01802
781-938-1805